

Article - Environment

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§9-333.

(a) (1) In this section the following words have the meanings indicated.

(2) “Pump-out facility” means a facility that pumps or receives human body wastes out of type III marine sanitation devices (holding tanks) on vessels.

(3) (i) “Waste reception facility” means a facility specifically designed to receive wastes from portable toilets carried on vessels.

(ii) “Waste reception facility” does not include a rest room facility.

(b) This section applies to any public or private marina that is located on the navigable waters of the State.

(c) A person may not construct any additional slips at an existing marina that is capable of berthing vessels 22 feet or larger that would result in a total slip capacity of more than 10 slips or construct a new marina that is capable of berthing vessels 22 feet or larger with more than 10 slips on the navigable waters of the State unless:

(1) The wastewater collection and treatment system at the marina is adequate to handle any existing and increased flow; and

(2) There is a pump-out station on-site at the marina that is adequate to handle the increased sewage capacity from vessels that use the marina and that is operable and accessible at reasonable times.

(d) Unless a postponement is granted under subsection (e) of this section:

(1) By July 1, 1995, a marina that berths any vessel that is over 22 feet in length and has 200 or more slips shall have a pump-out facility and a waste reception facility on-site that is operable, adequate to handle any existing and increased flows, and accessible at reasonable times;

(2) By July 1, 1996, a marina that berths any vessel that is over 22 feet in length and has 100 or more slips shall have a pump-out facility and a waste

reception facility on-site that is operable, adequate to handle any existing and increased flows, and accessible at reasonable times; and

(3) By July 1, 1997, a marina that berths any vessel that is over 22 feet in length and has 50 or more slips shall have a pump-out facility and a waste reception facility on-site that is operable, adequate to handle any existing and increased flows, and accessible at reasonable times.

(e) (1) (i) Upon application by a marina owner or operator, the Secretary may grant a postponement of a requirement of subsection (d) of this section.

(ii) A postponement under this subsection:

1. May not be for more than 3 years; and
2. May not be renewed more than once and may not be renewed for more than 3 years.

(2) An application for a postponement or a renewed postponement under this subsection must be filed with the Secretary not less than 6 months before the applicable deadline.

(3) (i) Within 15 days following receipt of an application for a postponement under this subsection, the Secretary shall forward a copy of the application to the Department of Natural Resources.

(ii) The Department of Natural Resources shall provide its written comments, if any, within 60 days following receipt of the original application under this subsection.

(iii) If no comments have been received from the Department of Natural Resources within 60 days following receipt of the original application, the application shall be processed with the assumption that there are no objections by the Department of Natural Resources.

(4) In deciding whether to grant a postponement or a renewed postponement under this subsection, the Secretary shall consider:

(i) Whether sufficient public funds are available to assist the marina owner or operator in meeting the requirements of subsection (d) of this section; and

(ii) If sufficient public funds are not available, whether compliance with the requirements of subsection (d) of this section would represent an economic hardship to the marina owner or operator.

(5) (i) The Secretary shall issue a decision on an application for postponement or renewed postponement under this subsection within 90 days following the original receipt of the application.

(ii) If no action has been taken by the Secretary within 90 days following the original receipt of the application, the postponement or renewed postponement shall be considered granted for a period of 3 years.

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